

REMARKS

Claims 1-11 were present for examination. Claims 1, 2, 5 and 7-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (6,041,410) and Flick (6,140,939). Claim 3 stands rejected as above further in view of Nicholls. Claim 4 is rejected over Flick and Hsu as above and further in view of Toyoda et al. (5,999,637). Finally, claim 6 is rejected as being unpatentable over Flick and Hsu above further in view of Fitzgibbon (5,751,224) which is owned by the assignee of the present application. The rejection of claim 6 is considered by the Examiner to bring forth a case of non-statutory double patenting.

Claim 1 has been amended to recite that the operator system includes a controller for encoding a signal representing the fingerprint which encoded signal is transmitted. The operator system of amended claim 1 also recites that the encoded signal is decoded by the fingerprint circuit. The encoding and decoding of the transmitted data is discussed throughout the specification. Paragraphs 42, 45 and 52 (from the published version US2003/0210131) are cited as examples. Further, the use of rolling codes as part of the encoding/decoding process is clearly shown, for example, in Figs. 5 and 8. Claims 12 and 13 are being added to claim the use of rolling codes as part of the encoding/decoding processes.

The encoding of the fingerprint data provides a greatly improved system over the known art. Although the fingerprint data provides some proof of authenticity, such fingerprint data can be electronically recorded by thief and played back later (without the benefit of the finger which is the source of the learned fingerprint). When the fingerprint data is encoded as recited in claim 1 such electronic recording will be to no avail.

None of the cited references or their combination suggests or teaches encoding and decoding of fingerprint data as recited in claim 1 as amended. Accordingly, claim 1 is asserted to be allowable. Claims 2-13 which depend from claim 1 are asserted to be allowable because of that dependence. Further, the use of rolling codes to encode fingerprint or other relatively protected data, as recited by claims 12 and 13, is not suggested by the references. Claims 12 and 13 are asserted to be allowable for this further reason. Additionally, the obviousness type double patenting rejection of claim 6 is believed traversed by the allowability of claim 1.

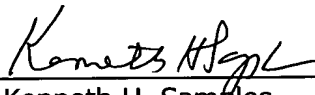
Application No. 09/735,141
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The Commissioner is hereby authorized to charge any additional fees which may be required in this Application to Deposit Account No. 06-1135.

Respectfully requested,

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